

### CONSTITUTIONAL COURTS AND CONSTITUTIONAL RIGHTS

FACULTY OF LAW
UNIVERSITY OF TORONTO
FALL 2007

PROFESSOR LORRAINE E. WEINRIB
AHARON BARAK, PRESIDENT, SUPREME COURT OF ISRAEL
DIETER GRIMM, FORMER JUSTICE, GERMAN CONSTITUTIONAL COURT
FRANK IACOBUCCI, FORMER JUSTICE, SUPREME COURT OF CANADA

ADDITIONAL REQUIRED AND RECOMMENDED READING CAN BE FOUND ON THE COURSE WEBSITE.

Storage

HESE MATERIALS ARE NOT TO BE CONSIDERED PUBLISHED. THEY HAVE EN PREPARED SOLELY FOR THE EDUCATIONAL USE OF STUDENTS AT THE ACULTY OF LAW, UNIVERSITY OF TORONTO AND ARE SOLD AT COST.

.C66 2007 c.1

K 3240

BORA LASKIN LAW LIBRARY

SEP 10 2007

FACULTY OF LAW UNIVERSITY OF TORONTO

#### CONSTITUTIONAL COURTS AND CONSTITUTIONAL RIGHTS

## FACULTY OF LAW UNIVERSITY OF TORONTO FALL 2007

PROFESSOR LORRAINE E. WEINRIB
AHARON BARAK, PRESIDENT, SUPREME COURT OF ISRAEL
DIETER GRIMM, FORMER JUSTICE, GERMAN CONSTITUTIONAL COURT
FRANK IACOBUCCI, FORMER JUSTICE, SUPREME COURT OF CANADA

ADDITIONAL REQUIRED AND RECOMMENDED READING CAN BE FOUND ON THE COURSE WEBSITE.

THESE MATERIALS ARE NOT TO BE CONSIDERED PUBLISHED. THEY HAVE BEEN PREPARED SOLELY FOR THE EDUCATIONAL USE OF STUDENTS AT THE FACULTY OF LAW, UNIVERSITY OF TORONTO AND ARE SOLD AT COST.

Digitized by the Internet Archive in 2018 with funding from University of Toronto

### CONSTITUTIONAL COURTS AND CONSTITUTIONAL RIGHTS

FACULTY OF LAW
UNIVERSITY OF TORONTO
FALL 2007

PROFESSOR LORRAINE E. WEINRIB
AHARON BARAK, PRESIDENT, SUPREME COURT OF ISRAEL
DIETER GRIMM, FORMER JUSTICE, GERMAN CONSTITUTIONAL COURT

# CONSTITUTIONAL COURTS AND CONSTITUTIONAL RIGHTS FALL 2006 TABLE OF CONTENTS

A. GERMANY	
Introductory Reading	
Dieter Grimm, "Human Rights and Judicial Review in Germany"	1
CONSTITUTIONAL DOCUMENT	
Basic Law for the Federal Republic of Germany (selections)	16
Basic Rights (Arts. 1-19)	16
Arts. 20-21 [Basic institutional principles]	
Art. 79 [Amendment of the Basic Law]	
CASE LAW	
The Southwest Case, 1 BVerfGE 14 (1951)	30
The Luth Case, 7 BVerfGE 198 (1958)	35
The Microcensus Case, 27 BVerfGE 1 (1969)	41
The Mephisto Case, 30 BVerfGE 173 (1971)	
The Life Imprisonment Case, 45 BVerfGE 187 (1977)	
The Census Act Case, 65 BVerfGE 1 (1983)	
The Holocaust Denial Case, 90 BVerfGE 241 (1994)	
The Abortion Case (I), 39 BVerfGE 1 (1975)	
The Classroom Crucifix Case, 93 BVerfGE 1 (1995)	
The Homosexuality Case, 6 BVerfGE 389 (1957)	
The Transsexual Case, 49 BVerfGE 286 (1979)	
Aviation Security Case (readings)	
Computer Aided Profiling Case (readings)	
B. ISRAEL	
Introductory Reading	
I. Zamir and A. Zysblat, <i>Public Law in Israel</i> (selected readings)	130
CONSTITUTIONAL DOCUMENTS	
Map of Israel	140A
Declaration of Israel's Independence 1948	
Basic Laws of the State of Israel (selections)	
The Judiciary (1984)	
Human Dignity and Liberty (1992)	
Freedom of Occupation (1994)	140

Constitution of the Republic of South Africa, 1996 (selections)	CASE LAW	
El Al Airlines v. Danielowitz, 1994	Meir Schnitzer v. The Chief Military Censor, 1989	148
Public Committee Against Torture in Israel v. The State of Israel, 1999	· ·	
Muhammed Bakri v. Israeli Film Council, 2003		
Physicians for Human Rights v. Commander of the IDF Forces in the Gaza Strip, 2004	Public Committee Against Torture in Israel v. The State of Israel, 1999	222
2004	Muhammed Bakri v. Israeli Film Council, 2003	249
Security Fence Case#1 (Beit Sourik Village v. The Govt of Israel, 2004)	Physicians for Human Rights v. Commander of the IDF Forces in the Gaza Strip,	
Ka'adan v. The Israel Land Administration, 2000		
Summary of Disengagement Opinion, June 2005	Security Fence Case#1 (Beit Sourik Village v. The Govt of Israel, 2004)	300
Security Fence Case #2 Summary (Alfei Menashe)	Ka'adan v. The Israel Land Administration, 2000	336
Family Reunification Case Adalah Legal Centre for Arab Minority Rights in Israel v. Minister of Interior, May 2006	Summary of Disengagement Opinion, June 2005	373
in Israel v. Minister of Interior, May 2006	Security Fence Case #2 Summary (Alfei Menashe)	.375
C. CANADA  CONSTITUTIONAL DOCUMENT The Canadian Charter of Rights and Freedoms, 1982	· · · · · · · · · · · · · · · · · · ·	
CONSTITUTIONAL DOCUMENT The Canadian Charter of Rights and Freedoms, 1982	in Israel v. Minister of Interior, May 2006	379
CONSTITUTIONAL DOCUMENT The Canadian Charter of Rights and Freedoms, 1982		
CONSTITUTIONAL DOCUMENT The Canadian Charter of Rights and Freedoms, 1982	C CANADA	
The Canadian Charter of Rights and Freedoms, 1982	C. CANADA	
CONSTITUTIONAL DOCUMENT  Constitution of the Republic of South Africa, 1996 (selections)	CONSTITUTIONAL DOCUMENT	
CONSTITUTIONAL DOCUMENT  Constitution of the Republic of South Africa, 1996 (selections)	The Canadian Charter of Rights and Freedoms 1982	454
Constitution of the Republic of South Africa, 1996 (selections)	The Canadian Charter of Idgillo and Treedoms, 1702	15 1
Constitution of the Republic of South Africa, 1996 (selections)	D. SOUTH AFRICA	
Constitution of the Republic of South Africa, 1996 (selections)		
Preamble Chapter 1, Founding Provisions Chapter 2, Bill of Rights  E. UNITED STATES OF AMERICA	CONSTITUTIONAL DOCUMENT	
Chapter 1, Founding Provisions Chapter 2, Bill of Rights  E. UNITED STATES OF AMERICA	Constitution of the Republic of South Africa, 1996 (selections)	463
Chapter 2, Bill of Rights  E. UNITED STATES OF AMERICA	Preamble	
E. United States of America		
	Chapter 2, Bill of Rights	
	E. Hayana Courana on Assance.	
Constitution of December	E. UNITED STATES OF AMERICA	
CONSTITUTIONAL DOCUMENTS	CONSTITUTIONAL DOCUMENTS	
The Declaration of Independence of the Thirteen Colonies	The Declaration of Independence of the Thirteen Colonies	476
Constitution of the United States: Bill of Rights		

